

Chapter 8.36**RUBBISH**

(1668-9/71, 2217-10/77, 3084-12/90, 3509-10/01, 3551-5/02)

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8.36.010 Accumulation--Prohibited. Every owner and occupant of real property shall keep said property free of any accumulation of trash, junk, debris, rubbish or refuse. (1668-9/71)

8.36.015 Standards for vacant real property.

- (a) Order of the Planning Director. When deemed necessary by the Planning Director in order to maintain the safety of persons or property, the following standards may also be imposed upon vacant real property: (3509-10/01)
- (1) Access points. All windows, doors, and other open access features to the structures on the real property shall be boarded up and secured to prohibit entry; and/or (3509-10/01)
 - (2) Fencing. The property shall be fenced on all sides with a properly permitted chain link fence or other type of secure fencing at a minimum height of 6 feet from grade, or greater, in compliance with the Huntington Beach Zoning and Subdivision Ordinance. The fence shall be properly posted with no trespassing signs, and kept clear of all other signs, except lawfully installed real estate signs for the lease or sale of the property and signs identifying ownership of the property or fencing. (3509-10/01)
- (b) Compliance and maintenance responsibility. Compliance and maintenance with the standards contained in this section shall be at the sole cost of the responsible party for the vacant real property and shall not limit the remedies or recovery of costs for the abatement of any vacant real property found to be in violation of this Code. (3509-10/01)
- (c) Failure to obey order—Misdemeanor. Every occupant and owner of real property who fails to obey an order as generally outlined in this section is guilty of a MISDEMEANOR with respect to each day the occupant fails to obey the order. (3509-10/01)

8.36.020 Accumulation--Nuisance. Any accumulation of trash, junk, debris, rubbish or refuse on any real property in this city, unless otherwise permitted by law, is declared to be a nuisance. (1668-9/71)

8.36.030 Removal--Notice--Compliance. It shall be the duty of the Director of Planning to notify in the manner hereinafter provided, the occupant and owner of any real property in this city to eradicate, remove and abate, within ten (10) days from the giving of such notice, any accumulation of trash, junk, debris, rubbish or refuse from such real property, and that upon failure to do so within such ten (10) days, this city will cause the trash, junk, debris, rubbish or refuse to be removed and abated, and that the cost of such removal and abatement will be made a special assessment against that property, to be collected at the same time and in the same manner and subject to the same penalties as municipal taxes. (1668-9/71, 2217-10/77, 3551-5/02)

8.36.040 Removal--Notice--Service. Such notice shall be given in writing, by serving personally upon any occupant and upon the owner of any real property, each a copy of such notice, directed to the owner, or if the owner be a nonresident of the city, by serving any occupant personally, and by mailing by registered mail, a like copy in writing to the owner at his last known address as shown by the last assessment of the tax assessor of Orange County. If said address appears thereon, or if no address appears thereon, the same shall be addressed to him at the city of Huntington Beach, and if there be no such address or occupant, by posting a copy of the notice in a conspicuous place, upon each lot or legal subdivision of the property, and serving a copy upon the owner as hereinafter provided. (1668-9/71)

8.36.050 Removal--Delinquency--Hearing. At the date and time so set by the notice, if the accumulation of trash, junk, debris, rubbish or refuse is not removed from the property, the Director of Planning shall thereupon report the delinquency to the City Council with an estimate of the probable cost of doing the work. Such matters shall be set for hearing before the City Council and not less than ten (10) days notice of such hearing shall be given to the occupant and owner of such real property in the manner provided by section 8.36.040. (1668-9/71, 2217-10/77, 3551-5/02)

8.36.060 Abatement by city--Work order. The City Council, after such public hearing, upon a finding of the existence of debris, rubbish or refuse, shall order the Director of Planning to do said work, at the expense of the owner of the property, and provide for temporary payment of the same with city funds. (1668-9/71, 2217-10/77, 3551-5/02)

8.36.070 Extension of time. The City Council may, in its discretion, extend the time within which the work must be done. (1668-9/71)

8.36.080 Abatement by city--Records kept. At the completion of the work, the Director of Planning must prepare a statement of the proceedings, reciting the existence of the nuisance, the description of the property, the names of the owners and occupants, if known, the giving of notices, the holding of the public hearing, the making of the order by the City Council, the doing of the work and the cost thereof. (1668-9/71, 2217-10/77, 3551-5/02)

8.36.090 Abatement by city--Records filed. Such statement must be signed and verified by the Director of Planning and filed with the City Council. (1668-9/71, 2217-10/77, 3551-5/02)

8.36.100 Abatement by city--Costs become lien. The City Council shall then assess such costs against the parcel of land pursuant to section 38773.5 of the Government Code and shall cause the amount of such costs and assessment to be transmitted to the tax collector for collection. (1668-9/71)

8.36.110 Criminal prosecution. The collection of the cost of abatement shall not be a bar to criminal prosecution for nuisance. (1668-9/71)

8.36.120 Permitting nuisance--Misdemeanor. Every occupant and owner of real property who maintains, allows or permits any nuisance defined in this chapter after notice to abate as provided in this chapter, is guilty of a separate MISDEMEANOR with respect to each day that the nuisance continues, after said notice on each lot or parcel on which the nuisance shall exist. (1668-9/71)

8.36.130 Placing Commercial Handbills on Vehicles. No person shall affix to any vehicle, or cause to be affixed to any vehicle, any notice, paper, placard, bill, poster, card, sticker, banner, sign, advertisement, or other device designed to attract the attention of the public for the purpose of advertising any merchandise, commodity, property, business, service, act or skill offered, sold or rendered for hire, reward, price, trade or profit. (3084-12/90)

8.36.140 Distribution on Uninhabited or Vacant Private Premises. It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (3084-12/90)

8.36.150 Manner of Distribution. No person shall distribute in or upon any private property any advertising matter except in the following manner: (3084-12/90)

- (a) By placing the same in a receptacle, clip, or other device designed or intended to receive advertising matter, when such receptacle, clip, or other device has been erected in a conspicuous place near the front door or front entrance or near the mailbox of any private property; or (3084-12/90)
- (b) If no such receptacle, clip, or other device has been erected as provided in this section, then by handing the advertising matter to an occupant of the property, or placing the same upon the porch or vestibule of a house or building on the private property, provided that, in the latter case, the advertising matter is wrapped, tied, folded, or otherwise so prepared or placed that it will not be blown loose by the winds and provided that a previous day's distribution of advertising matter has been removed. (3084-12/90)

8.36.160 City Abatement Handbills & Flyers. The City Administrator, through his designee, may remove or cause the removal of and properly discard any handbill placed in a manner prohibited by this Section. The person responsible for the distribution of any such handbill shall be liable to the City for the cost of removal thereof, in addition to any other penalty provided for by law. (3084-12/90)

8.36.170 Presumptions. In any civil or criminal action filed against any person for violation of this Chapter, proof that the handbill in question contains the name of or otherwise identifies such person or such person's principal, agents, representative or employer shall constitute a rebuttable presumption that the person so named or identified caused such handbill to be distributed in the location from which it was removed. (3084-12/90)